

Kerala Gazette No. 12 dated 24th March 2009.

**PART I**

**Section i**



GOVERNMENT OF KERALA

**Law (Legislation Publication) Department**

NOTIFICATION

No. 13695/Leg. Pbn. 3/2008/Law. *Dated, Thiruvananthapuram, 29th July, 2008.*

The following Ordinance promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated the 3rd July, 2008 is hereby republished for general information.

By order of the Governor,

P. S. GOPINATHAN,  
*Law Secretary.*

**MINISTRY OF LAW AND JUSTICE**  
**(Legislative Department)**

*New Delhi, the 3rd July, 2008/ Ashadha 12, 1930 (Saka)*

**THE EMPLOYEES' STATE INSURANCE (AMENDMENT)**  
**ORDINANCE, 2008**  
**(No. 7 OF 2008)**

*Promulgated by the President in the Fifty-ninth Year of the Republic of India.*

*An Ordinance further to amend the Employees' State Insurance Act, 1948.*

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Employees' State Insurance (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

2. *Substitution of new Chapter for Chapter VA.*—In the Employees' State Insurance Act, 1948 ( 34 of 1948), for Chapter VA, the following Chapter shall be substituted, namely:—

‘CHAPTER VA

**SCHEME FOR OTHER BENEFICIARIES**

73A. *Definitions.*—In this Chapter,—

(a) “other beneficiaries” means persons other than the person insured under this Act;

(b) “Scheme” means any Scheme framed by the Central Government from time to time under Section 73B for the medical facility for other beneficiaries;

(c) “underutilised hospital” means any hospital not fully utilised by the persons insured under this Act;

(d) “user charges” means the amount which is to be charged from the other beneficiaries for medical facilities as may be notified by the Corporation in consultation with the Central Government from time to time.

73B. *Power to frame Scheme.*—Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, frame Scheme for other beneficiaries and the members of their families providing medical facility in any hospital established by the Corporation in any area which is underutilised hospital on payment of user charges.

73C. *Collection of user charges.*—The user charges collected from the other beneficiaries shall be deemed to be contribution and shall form part of the Employees' State Insurance Fund.

73D. *Scheme for other beneficiaries.*—The Scheme may provide for all or any of the following matters, namely:—

- (i) the other beneficiaries who may be covered under this Scheme;
- (ii) the time and manner in which the medical facilities may be availed by the other beneficiaries;
- (iii) the form in which the other beneficiary shall furnish particulars about himself and his family whenever required as may be specified by the Corporation;
- (iv) any other matter which is to be provided for in the scheme or which may be necessary or proper for the purpose of implementing the Scheme.

73E. *Power to amend Scheme.*—The Central Government may, by notification in the Official Gazette, add to, amend, vary or rescind the Scheme.

73F. *Laying of Scheme framed under this Chapter.*—Every Scheme framed under this Chapter shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.'.

PRATIBHADEVISING PATIL,

*President*

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